

15098. Adulteration of grapefruit. U. S. v. 300 Boxes of Grapefruit. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21818. I. S. No. 12698-x. S. No. W-2128.)

On March 24, 1927, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 300 boxes of grapefruit, remaining in the original unbroken packages at Denver, Colo., consigned by M. N. Stout Co., Inc., Plant City, Fla., alleging that the article had been shipped from Plant City, Fla., on or about March 12, 1927, and transported from the State of Florida into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Yours Truly Brand M. N. Stout Company Inc. Sales Offices Plant City, Florida."

It was alleged in substance in the libel that the article was adulterated, in that it consisted in whole or in part of a decomposed vegetable substance, to wit, of decomposed and frozen grapefruit.

On March 31, 1927, the Green Brothers Fruit & Produce Co., a Colorado corporation, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be examined under the supervision of this department, and all decomposed or frozen grapefruit be destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

15099. Adulteration of eggs. U. S. v. 17 Cases and 14 Cases of Eggs. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 21871, 21872. I. S. Nos. 14921-x, 14922-x. S. Nos. E-6093, E-6094.)

On April 14, 1927, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 31 cases of eggs, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Maple Dale Hatchery, Austin, Minn., in part March 31, 1927, and in part April 2, 1927, and transported from the State of Minnesota into the State of New York, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled, "From Maple Dale Hatchery, Austin, Minn."

It was alleged in the libels that the article was adulterated, in that it consisted in whole or in part of decomposed eggs.

On April 27, 1927, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15100. Adulteration of oranges. U. S. v. 360 Boxes of Oranges. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21811. I. S. No. 12486-x. S. No. C-5422.)

On March 22, 1927, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 360 boxes of oranges, remaining in the original unbroken packages at Cincinnati, Ohio, consigned about March 16, 1927, alleging that the article had been shipped by the Umatilla Fruit Co., Umatilla, Fla., and transported from the State of Florida into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Red Warrior Brand Packed and shipped by Umatilla Fruit Co., Umatilla, Fla. 'Russets' 'Brights'."

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated, in that it consisted of a decomposed vegetable substance.

On March 24, 1927, M. Degaro & Co., Cincinnati, Ohio, having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be salvaged, under the supervision of this department, by removing all decomposed fruit for destruction.

United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

15101-15150

[Approved by the Secretary of Agriculture, Washington, D. C., November 18, 1927]

15101. Misbranding and alleged adulteration of vinegar. U. S. v. 10 Barrels of Vinegar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15403. I. S. No. 9097-t. S. No. E-3588.)

On September 28, 1921, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 barrels of vinegar, at Asheville, N. C., alleging that the article had been shipped by the Douglas Packing Co., from Canastota, N. Y., August 5, 1921, and transported from the State of New York into the State of North Carolina, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Douglas Packing Co. Excelsior Brand Apple Cider Vinegar Made From Selected Apples * * * Rochester."

It was alleged in substance in the libel that the article was adulterated, in that vinegar made from dried apple products had been mixed and packed therein so as to reduce, lower, or injuriously affect its quality, and had been substituted wholly or in part for apple cider vinegar.

Misbranding was alleged for the reason that the statement "Apple Cider Vinegar Made from Selected Apples" was false and misleading when applied to a product made from dried apple products. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On February 13, 1925, the Douglas Packing Co., Rochester, N. Y., having appeared as claimant for the property, judgment was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, conditioned that it not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

15102. Adulteration of oranges. U. S. v. 132 Boxes and 88 Boxes of Oranges. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 21903, 21942. I. S. Nos. 14569-x, 16702-x. S. Nos. E-6074, E-6079.)

On April 15 and 23, 1927, respectively, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 220 boxes of oranges, remaining in the original unbroken packages, in part at Boston, Mass., and in part at Springfield, Mass., consigned about March 30, 1927, alleging that the article had been shipped by the Standard Growers Exchange, Lucerne Park, Fla., and transported from the State of Florida into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libels that the article was adulterated, in that it consisted in whole or in part of a decomposed vegetable substance.